

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Having considered the Motion for Extension of Time to Indict, and good cause having been shown, the Court will grant the parties' request to allow the Government additional time under the Speedy Trial Act to file an indictment.

In granting the parties' request, the Court makes the following findings:

1. The Defendant earnestly wishes to consider the plea offer extended by the Government;
2. The Defendant wishes to consider possible defenses prior to considering the Government's plea offer, which is made pursuant to a "fast track" early disposition program authorized by the Department of Justice pursuant to § 401(m) of the Prosecuting Remedies and Tools Against the Exploitation of Children Today Act of 2003 (PROTECT Act), Pub. L. 108-21, 117 Stat. 650 (Apr. 30, 2003);

- 1 3. The Government's plea offer, if accepted by the Defendant and the Court, would
- 2 likely reduce the Defendant's exposure to a more significant term of imprisonment;
- 3 4. If the Defendant does not timely accept the plea offer prior to indictment, the
- 4 Government will withdraw said plea offer and any subsequent plea offer after
- 5 indictment would likely be less advantageous to the Defendant;
- 6 5. Failure to extend time for indictment in this instance would thus operate to bar
- 7 Defendant from reviewing the Government's plea offer in a meaningful way prior
- 8 to indictment;
- 9 6. Granting an extension of time for indictment in this case is likely to result in the
- 10 case being resolved earlier, which would further the public's interest in the timely
- 11 and efficient administration of justice; and
- 12 7. The ends of justice served by this continuance outweigh the best interest of the
- 13 public and the Defendant in a speedy indictment.

18 The Court therefore concludes that the ends of justice are best served by granting an
19 extension of time to present the case to the grand jury and in excluding a period of sixty
20 (60) days under the Speedy Trial Act. In making this determination, the Court has
21 particularly taken into account that the failure to grant the Defendant's request would
22 “deny counsel for the defendant...the reasonable time necessary for effective preparation,
23 taking into account the exercise of due diligence.” 18 USC §3161(h)(7)(B)(iv).

26 **IT IS ORDERED** that the Motion for Extension of Time to Indict requesting an
27 extension of sixty (60) days within which the Government may seek to indict the
28 Defendant, is hereby granted.

1 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 USC §3161,
2 the Government shall have an extension of sixty (60) days to file a timely Indictment.
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4 Dated this 9th day of February, 2022.

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Honorable D. Thomas Ferraro
United States Magistrate Judge

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